

Reduction-in-Force (Layoff) General FAQ

This document includes frequently asked questions by state employees about reductions-in-force and then provides answers to those questions. Additional information can be found in DHR Rule 15.04.01.140.

Questions are sorted by topic and include:

- General Information
- Layoff Unit
- Retention Points
- Demotion/Bumping and Transfer/Displacement
- Layoff List and Register

GENERAL INFORMATION:

1. What are the conditions for a layoff?

Answer: Any appointing authority may lay off an employee whenever necessary due to:

- a. Shortage of funds or work;
- b. Reorganization;
- c. The end of a limited service appointment;
- d. An employee's failure to complete intra-agency promotional probation when demotion options are not available; or
- e. The abolishment of one (1) or more positions.

2. Who determines where personnel reductions will be made? How is the decision made?

Answer: Guidance may come from as high as the Governor's Office and the legislature in terms of specific cuts in programs or funded operations. Within each agency, the Agency Head, with input from leadership, decides specifically where funding cuts will be made, which programs and units will be impacted, and therefore which positions will be reduced. These decisions are based on operational needs and organization requirements.

3. Who determines which employee will be laid off?

Answer: Once it's known which positions will be impacted, the agency begins the process of calculating retention points; determining lateral transfer (displacement) and/or demotion (bumping) rights for impacted employees; notification of impacted employees will be sent to the Idaho Division of Human Resources (DHR). These

laid off employees will be placed on the state's layoff lists. Your Human Resources contact should be closely involved in this process. Generally speaking, the employee(s) with the fewest retention points within an affected classification within the layoff unit will be the one(s) to be laid off. (See Layoff Unit and Retention Point sections for more information).

4. How much notice will I receive before being laid off?

Answer: If your position is being impacted by a layoff, you will receive official written notice at least 15 calendar days prior to the effective date of the layoff.

5. Is there any job search assistance or other resources that will be provided?

Answer: Both DHR and the Idaho Department of Labor will be able to provide you with some tools and consultation on what other types of jobs might work for you, and assist with resume development, job search and interview skills, etc. In addition, ITS is committed to interviewing employees from the eight (8) impacted agencies who apply and are qualified for vacancies at Information Technology Services (ITS).

6. Does the state offer a severance package?

Answer: No. Idaho Code prohibits state agencies from providing a severance package.

7. What will happen to my leave balances if I get laid off?

Answer: Accrued unpaid balances for vacation leave will be paid upon separation. For FLSA eligible employees (those eligible for time and a half for overtime), accrued compensatory time will also be paid upon separation. FLSA exempt employees (those who accrue overtime as straight time - 1 hour for 1 hour) will forfeit their accrued compensatory time and forfeit their accrued on-call hours earned. Accrued sick leave will be forfeited in any case, but will be reinstated if you return to credited state service within three years after the layoff date.

8. Who can I contact for more answers?

Answer: Your agency's Human Resources representative should be able to assist you with general layoff questions and/or contact DHR.

LAYOFF UNIT

9. What is a layoff unit?

Answer: Layoff unit are the organizational unit within which a layoff can occur (i.e., geographic location, division, etc). Layoff units consist of major organizational units which have been designated as such by the agency and approved by DHR. You should contact your HR representative to determine your agency's approved layoff units.

10. What is the significance of layoff units?

Answer: Layoff units are the organizational unit within which a layoff can occur. Layoffs within one organizational unit do not automatically impact employees in another organizational unit. If a layoff were to occur, it occurs within the layoff unit, employees' opportunities to transfer and/or demote are limited to positions within the same layoff unit.

RETENTION POINTS

11. What are retention points?

Answer: Retention points are designed to provide a numerical value to the amount of credited state service and the level of performance of employees being impacted by a layoff. Generally speaking, the employee(s) with the fewest retention points within an affected job classification within the layoff unit will be the ones to be laid off.

12. How are retention points calculated?

Answer: Under the existing policy and rules, the first step in the calculation process is to review the official personnel file to find all of the performance evaluations and note the level of the ratings (i.e., Exemplary, Solid Sustained, Achieves Performance Standards, and Does Not Achieve Performance Standards) and the period of time for which the evaluation was done. Each hour of credited state service is assigned a point value based on the level of performance during each evaluation period. For example, each hour of credited state service in a year (2080 hours) at an "Achieves Performance Standards" or equivalent level of performance would be assigned a point value of .050, for a total 104 retention points ($2080 \times .050 = 104$). Conversely, a year at an "Exemplary" or equivalent level of performance would be assigned a point value of .100, for a total of 208 retention points ($2080 \times .100 = 208$). "Solid Sustained" or equivalent ratings are assigned a point value of .075. No points are awarded for any period of credited state service during which the performance is rated below "Achieves Performance Standards" or its equivalent.

For example: an employee has worked for the state for 10 years. This person had five years of "Achieves Performance Standards" performance ($5 \times 2080 \times .050 = 520$), and two years of "Solid Sustained" performance ($2 \times 2080 \times .075 = 312$) and three years of "Exemplary" performance ($3 \times 2080 \times .10 = 624$). The retention points would total 1,456.

13. Who calculates retention points?

Answer: Calculations are made by the agency's Human Resources staff. Assistance from staff at DHR may be necessary to gather information about performance ratings earned during employment at another agency, or to verify agency records.

14. What is "credited state service?"

Answer: “Credited State Service” includes all time paid for the State of Idaho in a classified position. Time served in temporary or non-classified appointments is not included.

15. What happens to my retention points if my supervisor has not completed a performance evaluation for a long period?

Answer: If the gap between evaluations, or if the time from an employee’s most recent performance evaluation, is more than one year, that time period will be treated as if it were “Solid, Sustained” service and receive .075 points per hour of credited state service. If the gap between evaluations, or if the time from an employee’s most recent performance evaluation, is less than one year, that time period will be rated the same as the evaluation immediately preceding the gap.

16. There was a period of time when my agency used only a two-level rating system, “Achieves” and “Does Not Achieve” performance standards. How are point values assigned to those evaluations?

Answer: The “Achieves Performance Expectations” rating receives a 0.50 value. The “Does not Achieve Performance Expectations” receives no value.

17. What happens if there’s a tie on retention points?

Answer: This very rarely happens, but when it does, the employee with the most retention points earned in the most recent thirty-six months will be considered to be higher on the retention list. If that still results in a tie, some method of random selection will be used.

18. How can I be sure that my retention points have been calculated correctly? What can I do if I think they’re wrong?

Answer: If you think they are incorrect, first speak with your HR representative, who can review the calculation. If you still believe the points have been incorrectly calculated, you have the right to request an audit of the retention points by an independent auditor designated by the DHR Administrator. Your HR representative can help you through the process if you wish to request an audit.

DEMOTION/BUMPING and TRANSFER/DISPLACEMENT

19. What is meant by a demotion or “bumping” option?

Answer: The term “bumping” is commonly used in place of demotion. Demotion, or bumping, occurs when employee “X” chooses to demote into employee “Y”’s position when employee “Y” has less retention points than employee “X”, causing employee “Y” to lose his/her position. Employee “Y” is considered “bumped.” You may be able to “bump” or demote into any classification in which you have previously held permanent status in the layoff unit within your agency. The “bumping” can occur only within your own layoff unit, and the first option is into a vacant position (regardless of geographical location); if no vacant position exists, the demotion option would be into the position held by the employee with the fewest retention

points (regardless of geographical location). You will be notified in writing of your options if you are to be laid off.

20. What job classes can I demote into if I am laid off from my current position?

Answer: You may be able to demote (aka “bump”) into any classification in which you have previously held permanent status in your agency. The demotion can occur only within your own layoff unit, and only into the position held by the employee with the fewest retention points. If there is a vacant position in the classification to which you are eligible to demote, you will be required to transfer or demote into that vacant position rather than into an occupied position, or be laid off. You will be notified in writing of your options if you are to be laid off.

21. What is meant by a “transfer option” in a layoff situation?

Answer: The terms transfer and displacement are commonly used to mean the same thing. They typically refer to a situation where an employee who is in a position being deleted is transferred to a vacant position in the same class in the same layoff unit, or to a position in the same classification as the affected employee, but occupied by someone with fewer retention points than the affected employee.

22. Do I get salary protection if I accept a demotion or transfer within my agency?

Answer: You should consult with your agency’s HR representative as it depends on the specific situation.

23. Can I collect unemployment insurance if I turn down a transfer or demotion?

Answer: The Department of Labor advises us that it depends on the reason you would turn it down. Our best advice for you is to contact the Department of Labor for answers to this question.

LAYOFF LIST AND REGISTER

24. What is a layoff list? How is it used?

Answer: The layoff list is simply a list of state employees who have been laid off from a particular classification. DHR maintains the list. Anytime a hiring list is requested for that classification, employees on the layoff list are included with the list of applicants on the register. Employees placed on a layoff list will be able to remain on the list for up to one year, or until three (3) separate offers of employment have been declined.

25. OK, so I’m going to be placed on a layoff list... What happens now?

Answer: You will need to contact DHR, and they will help you through the process.

26. If my name is included on a hiring list as having been laid off, does the agency with the vacancy have to hire me?

Answer: It depends. Following are three scenarios...keep in mind that each one presumes that the hiring list is requested by the agency within one year of the effective date of your layoff:

- If the agency filling the vacancy is the same agency from which you were laid off, and if your name has been included on the hiring list when it is requested by the agency, and if you are the only employee on the hiring list with reemployment preferences arising from layoff by that agency, then the agency is required to offer you the job.
- If the agency filling the vacancy is the same agency from which you were laid off, and if your name has been included on the hiring list when it is requested by the agency, and if you are one of several employees on the hiring list with reemployment preferences arising from layoff by that agency, then the agency may interview and offer the job to any of their previously laid-off employees, regardless of retention points at the time of layoff.
- If the agency filling the vacancy is a *different* agency from which you were laid off, and if your name has been included on the hiring list when it is requested by the agency, and if there are no former employees on the hiring list with reemployment preferences due to the employee having been laid off by the hiring agency, then the hiring agency would be required to offer you (and all other employees with a reinstatement right arising from layoff effective within 1 year prior to the hiring list being requested) an interview and consider you for the job.

27. What if I don't want a position that is offered to me while I'm on the layoff register?

Answer: You have two opportunities to turn down a position offered through a layoff register if you do not have good cause. If you turn down a third position without good cause, you will be removed from the layoff register.

28. If the agency I am laid off from is never going to use this classification again, then what good will it do to put me on a layoff register?

Answer: Probably not much for that classification. However, employees who have been laid off are eligible to apply for Statewide promotional opportunities for the one-year period following their layoff effective date, and are eligible to apply for Departmental promotional opportunities in the agency from which laid off for the one-year period following their layoff effective date.